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E-Filing

5 Counsel for Defendant ARGELIO SUASTEGUI LOZANO

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-06-0178 MMC
11 Plaintiff,) STIPULATION AND [PROPOSED]
12 v.) ORDER CONTINUING BRIEFING
13 ARGELIO SUASTEGUI LOZANO,) SCHEDULE AND HEARING DATE
14 Defendant.) FROM NOVEMBER 8, 2006 TO
15) JANUARY 10, 2007
16)

17 The undersigned parties stipulate as follows:

18 1. The parties' had previously agreed to and the court had ordered a briefing schedule on
19 defendant's motion to dismiss, for hearing on November 8, 2006.

20 2. Defendant filed an opening motion, but the parties then engaged in settlement
21 negotiations that ultimately were not successful. Given that the case is not going to
22 settle, the defendant intends to file an amended motion, which will add one related
23 argument that the parties have already discussed. The parties will need a new briefing
24 schedule, and propose the following: Defendant will file an amended motion to dismiss
25 on November 8, 2006; the government will file an opposition on November 29, 2006;

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STIP. AND [PROP] ORDER CONTINUING
STATUS DATE; No. CR 06-0178 MMC

1 the defendant will file a reply on December 20, 2006; the matter will be heard by this
2 Court on January 10, 2007 at 2:30 p.m.

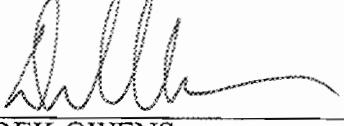
3. The parties agree that the time between November 8, 2006 and January 10, 2007 should
4 be excluded from the computation of time within which the trial of this matter must
5 commence because of defendant's pending pretrial motion to dismiss. 18 U.S.C. §
6 3161(h)(1)(F).

7 IT IS SO STIPULATED

8
9 Date: November 7, 2006

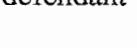

SHAWN HALBERT
Assistant Federal Public Defender

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12 Date: November 7, 2006


DEREK OWENS
Assistant United States Attorney

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STIP. AND [PROP] ORDER CONTINUING
STATUS DATE; No. CR 06-0178 MMC

ORDER

2 For GOOD CAUSE SHOWN, it is hereby ORDERED that the status hearing, previously set by
3 this Court for November 8, 2006 shall be continued to January 10, 2007, at 2:30 p.m. The Court
4 adopts the parties' proposed filing schedule, whereby defendant will file an amended motion to
5 dismiss on November 8, 2006; the government will file an opposition on November 29, 2006; and
6 the defendant will file a reply on December 20, 2006. IT IS FURTHER ORDERED that the time
7 between November 8, 2006 and January 10, 2007 shall be excluded from the computation of time
8 within which the trial of this matter must commence because of defendant's pending pretrial motion
9 to dismiss. 18 U.S.C. § 3161(h)(1)(F). 

Date: NOV 17 2006

)(F).

THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

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STIP. AND [PROP] ORDER CONTINUING
STATUS DATE: No. CR 06-0178 MMC